IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Misc. Transfer Application No.4/2006

Smt. Aikta Devi W/o Shri Rakesh Kumar Gupta
...Applicant
Versus
Rakesh Kumar Gupta S/o Shri Raghuveer Prasad
...Non-applicant

Date of Order ::: 23.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri M. Iqbal Khan, Counsel for applicant
Shri Rahul Tiwari, Counsel for non-applicant
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By the Court:-

Heard learned counsel for the parties.

Applicant Smt. Aikta has filed this transfer application for transfer of the Case No.216/2005 pending before the Family Court, Udaipur, to the Court of Additional District & Sessions Judge No.1, Kishangarhbas, District Alwar. A notice to show cause was given to the non-applicant. The contention of the learned counsel for the applicant is that the applicant is a lady and it will not be possible for her to go and attend the proceedings of the Case pending at Udaipur, therefore, on the ground of convenience, the Case pending at Udaipur be

transferred at Kishangarhbas.

The learned counsel for the non-applicant opposed the transfer application and contended that he filed the present Case at Udaipur and only thereafter the applicant has filed two matters at Kishangarhbas to harass the non-applicant; one under Section 125 of the Cr.P.C., and another under Section 498-A of the I.P.C. He further contended that the applicant is getting maintenance from the non-applicant under Section 125 of the Cr.P.C., as per the direction of the court below.

I have considered the submissions of the learned counsel for both the parties and after considering their submissions I am not satisfied that the applicant has made out any case for transfer of the Case from Udaipur to Kishangarhbas.

There is no merit in this transfer application and the same is accordingly dismissed.

(Narendra Kumar Jain) J.

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